

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Michael Talisayan	Team: Squad #11	CCRB Case #: 201908556	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input checked="" type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Friday, 09/20/2019 2:00 PM, Thursday, 09/26/2019 2:15 PM, Thursday, 09/26/2019 4:30 PM	Location of Incident: § 87(2)(b); 67th Precinct stationhouse	Precinct: 67	18 Mo. SOL 3/20/2021	EO SOL 11/4/2021	
Date/Time CV Reported Fri, 09/27/2019 12:00 PM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Fri, 09/27/2019 12:00 PM		

Complainant/Victim	Type	Home Address

Witness(es)	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Remy Jeanfrancois	24399	950632	067 PCT
2. POM Kevin Hunter	15253	954951	067 PCT
3. SGT Sachi Singh	03664	948915	067 PCT
4. An officer			067 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POF Daylian Thomas	12024	940797	067 PCT
2. POM Anthony Bellingeri	16329	954541	067 PCT
3. POM Davinder Singh	16997	958073	067 PCT
4. POM Joseph Rivera	27426	951150	067 PCT
5. DTS Philip Longo	485	955080	067 PCT
6. POM Barry Luna	31420	955102	067 PCT
7. POM Tomas Janciauskas	06129	956771	067 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Remy Jeanfrancois	Off. Language: On September 20, 2019, at § 87(2)(b), in Brooklyn, Police Officer Remy Jeanfrancois made remarks to § 87(2)(b) based upon ethnicity.	
B.SGT Sachi Singh	Abuse: On September 20, 2019, at § 87(2)(b), in Brooklyn, Sergeant Sachi Singh threatened to arrest § 87(2)(b)	

Officer(s)	Allegation	Investigator Recommendation
C.POM Remy Jeanfrancois	Abuse: On September 26, 2019, at § 87(2)(b) [REDACTED], in Brooklyn, Police Officer Remy Jeanfrancois seized § 87(2)(b) [REDACTED] s property.	[REDACTED]
D. An officer	Abuse: On September 26, 2019, at the 67th Precinct stationhouse, an officer refused to provide his name to § 87(2)(b) [REDACTED]	[REDACTED]
E.POM Kevin Hunter	Abuse: On September 26, 2019, at the 67th Precinct stationhouse, Police Officer Kevin Hunter threatened to arrest § 87(2)(b) [REDACTED]	[REDACTED]
F.POM Remy Jeanfrancois	Abuse: On September 26, 2019, at the 67th Precinct stationhouse, Police Officer Remy Jeanfrancois did not obtain medical treatment for § 87(2)(b) [REDACTED]	[REDACTED]

### Case Summary

On September 27, 2019, § 87(2)(b) called the CCRB and filed this complaint.

On September 20, 2019, at approximately 2:00 p.m., § 87(2)(b) was sitting by his merchandise tables located at the intersection of § 87(2)(b) in Brooklyn. Accompanied by PO Kevin Hunter and PO Daylian Thomas, both from the 67<sup>th</sup> Precinct, PO Remy Jeanfrancois, also of the 67<sup>th</sup> Precinct, approached § 87(2)(b). During their interaction, PO Jeanfrancois asked for § 87(2)(b) for his identification and allegedly said, “I don’t like Guyanese [sic]” (**Allegation A: Offensive Language, Unfounded**). § 87(2)(b) called 911 and asked for a supervisor. Sgt. Sachi Singh of the 67<sup>th</sup> Precinct arrived and threatened § 87(2)(b) with arrest (**Allegation B: Abuse of Authority, Exonerated**).

On September 26, 2019, at approximately 2:15 p.m., PO Jeanfrancois and PO Hunter returned to the intersection of § 87(2)(b). They encountered § 87(2)(b)’s wife, § 87(2)(b) by herself at § 87(2)(b)’s merchandise stand. § 87(2)(b) was arrested and transported to the 67<sup>th</sup> Precinct stationhouse. At approximately 2:35 p.m., § 87(2)(b) returned to his merchandise stand and found uniformed officers seizing his merchandise (**Allegation C: Abuse of Authority, § 87(2)(g)**).

On the aforementioned date, at approximately 4:00 p.m., § 87(2)(b) visited the 67<sup>th</sup> Precinct stationhouse and waited in the waiting area. PO Hunter, who was with approximately five officers, allegedly told § 87(2)(b) to step outside. § 87(2)(b) PO Hunter, and the officers stepped outside. § 87(2)(b) allegedly asked an unidentified officer dressed in plainclothes to provide his name, and this officer did not provide it (**Allegation D: Abuse of Authority, § 87(2)(g)**). PO Hunter allegedly told § 87(2)(b) returned to the stationhouse he will be arrested (**Allegation E: Abuse of Authority, § 87(2)(g)**). At some point, in the holding cell area, § 87(2)(b) allegedly asked PO Jeanfrancois to be taken to the hospital. PO Jeanfrancois allegedly refused § 87(2)(b)’s request (**Allegation F: Abuse of Authority, § 87(2)(g)**).

The investigation obtained body-worn camera footage from the following officers for the September 20, 2019 incident: PO Jeanfrancois, PO Hunter, PO Thomas, PO Davinder Singh, PO Anthony Bellingeri, PO Joseph Rivera, Sgt. Singh.

The investigation obtained body-worn camera footage from the following officers for the September 26, 2019 incident: PO Jeanfrancois, PO Hunter, PO Tomas Janciauskas, PO Singh, PO Barry Luna, and Det. Philip Longo.

§ 87(2)(b) was arrested during an interaction with the officers on September 26, 2019 for various administrative code violations. She was released from police custody after being issued summonses [Board Reviews 01, 02, 03, 04].

PO Hunter is currently assigned to the 67<sup>th</sup> Precinct Detective Squad. At the time of the incident, he was assigned to the 67<sup>th</sup> Precinct.

### Findings and Recommendations

#### **Allegation (A) Abuse of Authority: On September 20, 2019, at § 87(2)(b) in Brooklyn, Police Officer Remy Jeanfrancois made remarks to § 87(2)(b) based on ethnicity.**

PO Jeanfrancois’ body-worn camera captures the beginning of his conversation with § 87(2)(b) [Board Review 05, timestamps 00:01:00 to 00:05:42 in the video player]. The footage does not capture any conversation in which PO Jeanfrancois makes any remark about Guyanese people to § 87(2)(b).

§ 87(2)(b) stated that he was sitting at the intersection of § 87(2)(b). § 87(2)(b) was sitting inside a U-Haul Van. § 87(2)(b) observed PO Jeanfrancois, PO Hunter, and PO Thomas walking in the direction of Church Avenue. PO Jeanfrancois walked toward § 87(2)(b) and § 87(2)(b) called out to PO Jeanfrancois and asked him where he was going and what was the problem. PO Jeanfrancois, who was near two of § 87(2)(b)’s merchandise tables, turned

and began walking toward § 87(2)(b) coming within 4' of him. PO Jeanfrancois stated, "Give me ID [sic]. I don't like Guyanese [sic]" [Board Review 06].

§ 87(2)(b) stated that she was inside the U-Haul van when she observed PO Jeanfrancois speaking with § 87(2)(b). § 87(2)(b) was not paying attention to their conversation. She did not hear PO Jeanfrancois make any comment about Guyanese people, but she heard § 87(2)(b) say, "You [PO Jeanfrancois] did say that" [Board Review 07].

PO Jeanfrancois denied saying that he did not like Guyanese people to § 87(2)(b). PO Jeanfrancois denied hearing any officer make any comments about § 87(2)(b)'s ethnic background [Board Review 08].

PO Hunter and PO Thomas, both of whom accompanied PO Jeanfrancois, denied hearing PO Jeanfrancois make any comments about disliking Guyanese people while speaking to § 87(2)(b) [Board Review 09, 10].

PO Joseph Rivera arrived at § 87(2)(b) and saw PO Jeanfrancois and § 87(2)(b) speaking. PO Rivera testified that he stayed at approximately 10' away and did not overhear their conversation [Board Review 11].

PO Davinder Singh arrived at the location and observed § 87(2)(b) speaking loudly while accusing either PO Jeanfrancois or PO Hunter of disliking Guyanese people. PO Singh did not recall any officer stating that he did not like Guyanese people or make any remarks about § 87(2)(b)'s ethnic background [Board Review 12].

§ 87(2)(g)

**Allegation (B) Abuse of Authority: On September 20, 2019, at § 87(2)(b), in Brooklyn, Sergeant Sachi Singh threatened to arrest § 87(2)(b).**

According to Sgt. Singh's body-worn camera footage, Sgt. Singh speaks with § 87(2)(b) about his merchandise tables. Off-camera, § 87(2)(b) can be heard saying statements such as, "I respect the badge and the uniform – but I don't respect your stupid black ass!" [Board Review 13, timestamps 00:00 to 01:15 in the video player]. At this time, there are approximately seven people standing approximately ten feet observing the incident [Board Review 13, timestamps 01:20 to 01:25 in the video player].

An unknown black male in a dark blue shirt also begins to speak loudly beside § 87(2)(b) shouts, "Say what you said before!" twice [Board Review 13, timestamps 06:30 to 07:36 in the video player]. Sgt. Singh tells § 87(2)(b) "You can't block the entire sidewalk. If you continue to yell and cause a crowd to gather, I'm gonna arrest you." Sgt. Singh repeats himself. Sgt. Singh states, "Right now you are causing a crowd to gather. There is multiple people here." Sgt. Singh points to a row of people, standing near § 87(2)(b) and stretching toward the end of the block. "They're looking at us 'cause you're causing a scene [Board Review 13, 07:40 to 08:20 in the video player].

§ 87(2)(b) stated that Sgt. Singh arrived at the scene with three other uniformed police officers. Sgt. Singh spoke to § 87(2)(b) and asked him to explain what had happened. Sgt. Singh told § 87(2)(b) that he was creating a scene and that if he continued doing so, he would be arrested for disorderly conduct [Board Review 06].

§ 87(2)(g) Sgt. Singh told § 87(2)(b) that if he did not stop – she did not specify what he said – § 87(2)(b) would be arrested [Board Review 07].

Upon arriving at the scene, Sgt. Singh spoke to PO Jeanfrancois and PO Hunter and learned that they had received 311 calls about § 87(2)(b)'s merchandise tables. PO Jeanfrancois and PO Hunter were issuing § 87(2)(b) summonses for the number of tables set up on the sidewalk.

Sgt. Singh went to § 87(2)(b) and explained why he was receiving summonses. § 87(2)(b)

stated that the summonses were being issued based on his ethnicity. § 87(2)(b) was yelling in a loud voice. Sgt. Singh did not recall what he said or whether he was making any movements with his body. Sgt. Singh informed § 87(2)(b) that if he continued to yell and cause a crowd to gather, he would arrest him. At this time, there were approximately 10 to 15 individuals near Sgt. Singh and § 87(2)(b). When § 87(2)(b) became quiet, the crowd dispersed. § 87(2)(b) could have been arrested for disorderly conduct [Board Review 14].

PO Jeanfrancois and PO Hunter did not recall § 87(2)(b) having an interaction with Sgt. Singh [Board Review 08, 09].

NYS Penal Law §240.20 indicates that a person is guilty of disorderly conduct, when, with intent to cause public inconvenience, annoyance, or recklessly creating a risk thereof, he engages in the following behavior, which includes but is not limited to: fighting or violent, tumultuous or threatening behavior, making unreasonable noise; using obscene language or making an obscene gesture in a public place, congregating with other persons in a public place and refusing a lawful police order to disperse [Board Review 15].

§ 87(2)(g)

§ 87(2)(g)

**Allegation (C) Abuse of Authority: On September 26, 2019, at § 87(2)(b), in Brooklyn, Police Officer Remy Jeanfrancois seized § 87(2)(b)'s property.**

§ 87(2)(b) stated that she was inside a U-Haul van parked by § 87(2)(b)'s merchandise tables. § 87(2)(b) was away from the merchandise stand to pick up their son from school. § 87(2)(b) saw PO Jeanfrancois, PO Hunter, an officer she identified as Sgt. Singh (Sgt. Singh was not on scene. However, PO Davinder Singh arrived to transport § 87(2)(b) to the stationhouse), and an unidentified uniformed white male officer. PO Jeanfrancois told § 87(2)(b) "I got you. Step out of the van." § 87(2)(b) was arrested and brought to the 67<sup>th</sup> Precinct stationhouse. She did not see the officers remove § 87(2)(b)'s merchandise [Board Review 07].

When § 87(2)(b) returned from picking up his son, he saw PO Jeanfrancois and four officers placing his merchandise into plastic bags. PO Jeanfrancois told § 87(2)(b) that his wife had been arrested and brought to the 67<sup>th</sup> Precinct stationhouse. § 87(2)(b) left the officers while they continued to place his belongings into plastic bags [Board Review 06].

PO Jeanfrancois testified that he visited § 87(2)(b) again due to the complaints concerning § 87(2)(b)'s tables. When PO Jeanfrancois arrived, he observed approximately twelve tables set up. PO Jeanfrancois asked § 87(2)(b) for her vendor's documentation or any other form of identification. She refused to provide any documentation. PO Jeanfrancois arrested § 87(2)(b). The merchandise on the tables and a tent were seized because she did not have any identification. § 87(2)(b) was then transported to the 67<sup>th</sup> Precinct stationhouse [Board Review 08].

PO Hunter largely corroborated PO Jeanfrancois' statement. The officers spoke to § 87(2)(b) and told her that she could not vend at the location. § 87(2)(b) explained that her husband, § 87(2)(b) had a vendor's license. § 87(2)(b) was arrested because she was unable to produce any identification, or any vendor's license, to the officers upon request. Either PO Hunter or PO Jeanfrancois requested for assistance with taking the merchandise, the tables, and the tent from the location [Board Review 09].

Vouchers prepared by PO Jeanfrancois indicate that a tent and 12 tables were vouchered for safekeeping. Hooks, handbags, backpacks, towels, and sheets were vouchered as forfeiture [Board Review 16].

NYC Administrative Code § 20-453 indicates that a license is required to vend items on the street: “It shall be unlawful for any individual to act as a general vendor without having first obtained a license in accordance with the provisions of this subchapter” [Board Review 17].

NYPD Patrol Guide Procedure 218-39 indicates that property from unlicensed general vendors must be seized [Board Review 18].

§ 87(2)(g)

**Allegation (D) Abuse of Authority: On September 26, 2019, at the 67th Precinct stationhouse, an officer refused to provide his name to § 87(2)(b)**

**Allegation (E) Abuse of Authority: On September 26, 2019, at the 67th Precinct stationhouse, Police Officer Kevin Hunter threatened to arrest § 87(2)(b)**

After § 87(2)(b)'s arrest, § 87(2)(b) visited the 67th Precinct stationhouse. While inside, § 87(2)(b) made a call to 911 to request EMTs for § 87(2)(b) because she suffers from high blood pressure. § 87(2)(b) was approached by PO Hunter and PO1, a male, unknown ethnicity, in his mid-30's or early 40's, approximately 5' 6" tall and dressed in plainclothes. They were accompanied by five unidentified officers, described only as three male officers and two female officers.

PO Hunter asked § 87(2)(b) to step outside, and § 87(2)(b) and the officers went outside of the stationhouse, where they spoke by the entrance. PO1 asked § 87(2)(b) how he could help § 87(2)(b). § 87(2)(b) asked for PO1's name and rank, but he shook his head in response. PO Hunter told § 87(2)(b) “A sergeant said you were creating problems. I'm going to tell you this now. Do not come back into the precinct. If you come back into the precinct, I'm going to charge you with disorderly conduct.” After § 87(2)(b) spoke to the officers, he met two EMTs and told them that they needed to check on his wife [Board Review 06].

PO Hunter testified that after returning to the 67th Precinct stationhouse he saw § 87(2)(b) by either the entrance or outside of the stationhouse. He was yelling statements PO Hunter did not recall. PO Hunter did not know of any officer shorter than 5' 6" tall interacting with § 87(2)(b). PO Hunter did not observe any interaction in which § 87(2)(b) requested an officer's name. PO Hunter did not recall interacting with § 87(2)(b) [Board Review 09].

PO Jeanfrancois did not recall observing any interaction between PO Hunter and § 87(2)(b) after he returned to the stationhouse [Board Review 08].

§ 87(2)(g)

§ 87(2)(g)

**Allegation (F) Abuse of Authority: On September 26, 2019, at the 67th Precinct stationhouse, Police Officer Remy Jeanfrancois did not obtain medical treatment for § 87(2)(b)**

§ 87(2)(b)

§ 87(2)(b) stated that once she arrived at the 67th Precinct stationhouse at an unspecified

time, she was processed at the desk, where she began to feel dizzy. Approximately one hour after being placed in a holding cell, § 87(2)(b)'s heart began to race. § 87(2)(b) fell to the floor of her cell. EMTs, two men and one woman, arrived at the stationhouse. One of the EMTs checked § 87(2)(b)'s blood pressure. The EMT told § 87(2)(b) that her anxiety was likely causing her heart to race. They left the stationhouse. At some point, § 87(2)(b)'s feet were placed into shackles in preparation to be transported to a hospital. PO Jeanfrancois approached § 87(2)(b) and told an unspecified individual § 87(2)(b) was unclear whether this person was an officer) to return § 87(2)(b) to her cell because she was going to be released soon after he issued her summonses. § 87(2)(b) told PO Jeanfrancois that she wanted to go to the hospital because she was not feeling well. PO Jeanfrancois told her to sit down, and he brought her a bottle of water. § 87(2)(b) remained at the stationhouse for approximately an hour until she was released [Board Review 07].

§ 87(2)(b) stated he visited the stationhouse twice. After encountering PO Hunter and other officers, he called 911 and asked for EMTs to check on his wife. At some point, § 87(2)(b) encountered a male and female EMT and asked them to check on his wife [Board Review 06].

EMT § 87(2)(b) who works for the FDNY, stated that he and EMT § 87(2)(b) visited the 67<sup>th</sup> Precinct stationhouse at approximately 4:30 p.m. in response to a call made by § 87(2)(b). They encountered § 87(2)(b) who appeared upset, by the entrance of the stationhouse. He wanted the EMTs to check on § 87(2)(b). EMT § 87(2)(b) spoke to § 87(2)(b) in the holding cell area while EMT § 87(2)(b) likely assessed her by checking her heart rate, blood pressure, lung levels, and sugar levels. § 87(2)(b) appeared fine other than apparently having a headache. § 87(2)(b) refused to leave with the EMTs and signed a Pre-hospital Care Report (PCR) to refuse medical attention [Board Review 19].

EMT § 87(2)(b) did not have any recollection of encountering § 87(2)(b) at the 67<sup>th</sup> Precinct stationhouse [Board Review 20].

EMT § 87(2)(b) who works for § 87(2)(b), stated that he and EMT § 87(2)(b) received a call over the radio concerning a sick individual at the 67<sup>th</sup> Precinct stationhouse. After being brought to the holding cell area, he observed § 87(2)(b) speaking to a white male officer in uniform, who told § 87(2)(b) that she was going to be released with a summons soon. The officer asked § 87(2)(b) if she needed the EMTs, and she declined. § 87(2)(b) told EMT § 87(2)(b) and EMT § 87(2)(b) that she was fine and was going to be released soon and did not need their assistance. EMT § 87(2)(b) did not check § 87(2)(b)'s condition or vitals. She did not make any complaints about her medical attention and seemed more concerned with the keys to her van [Board Review 21].

§ 87(2)(g) An officer asked § 87(2)(b) if she wanted to see the EMTs. § 87(2)(b) replied that she was all right and waved the EMTs away. EMT § 87(2)(b) did not observe § 87(2)(b) complaining about her condition, and the EMTs had no interaction with § 87(2)(b). She seemed more concerned with her belongings [Board Review 22].

PO Jeanfrancois did not recall § 87(2)(b) complaining of feeling faint or dizzy. He denied hearing her ask to be taken to the hospital. PO Jeanfrancois was unaware of EMTs visiting the stationhouse or interacting with § 87(2)(b) in the holding cell area [Board Review 08].

PO Hunter testified that aside from § 87(2)(b) being brought to the stationhouse, PO Hunter did not recall any other interaction between § 87(2)(b) and PO Jeanfrancois. He did not recall § 87(2)(b) complaining about any medical issues or her heart. PO Hunter did not observe any interaction in which an officer refused to provide medical attention to § 87(2)(b) [Board Review 09].

Command log entries for the 67<sup>th</sup> Precinct for September 26, 2020 indicate that § 87(2)(b) was lodged at 2:40 p.m. and released at 6:45 p.m. The entries do not indicate that she requested medical attention [Board Review 23].

The investigation requested all ambulance call records pertaining for § 87(2)(b) stationhouse. The FDNY Court desk provided the Command Ambulance Dispatch (CAD)

chronology with a coversheet that noted the following: § 87(2)(b) Code 10-93 Patient Reused [sic] Medical Aid.” The chronology notes two pairs of EMTs arriving within the same timeframe. EMT § 87(2)(b) and EMT § 87(2)(b) arrived at the stationhouse at approximately 5:01 p.m. EMT § 87(2)(b) and EMT § 87(2)(b) arrived at approximately 5:03 p.m. At 5:02 p.m. the event was marked with the disposition “refused all” [Board Review 24].

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

### **Civilian and Officer CCRB Histories**

- This is the seventh CCRB complaint to which § 87(2)(b) has been a party. § 87(2)(b)  
§ 87(2)(b)  
§ 87(2)(b)
  - § 87(2)(b)
  - § 87(2)(b)
  - § 87(2)(b)
  - § 87(2)(b)
- This is the second CCRB complaint to which § 87(2)(b) has been a party. § 87(2)(b)  
§ 87(2)(b)
- PO Jeanfrancois has been a member of service for nine years. Four complaints, and 6 allegations, have been filed against him, one of which has been substantiated: CCRB case # 201800480 involved Physical Force (Chokehold), Physical Force (Restricted breathing), and Discourtesy. Only the Discourtesy allegation was substantiated, for which PO Jeanfrancois received formalized training. § 87(2)(g)
- PO Hunter has been a member of service for seven years. Five complaints, and 7 allegations, have been filed against him, none of which have been substantiated. § 87(2)(g)  
§ 87(2)(g)
- Sgt. Singh has been a member of service for ten years. One complaint, and one allegation, was filed against him. This allegation was exonerated.

### **Mediation, Civil and Criminal Histories**

- This case was not suitable for mediation.
- On October 10, 2020, the Office of the New York City Comptroller confirmed receipt of a Notice of Claim regarding this incident [Board Review 27].
- § 87(2)(b)  
§ 87(2)(b)  
§ 87(2)(b)  
§ 87(2)(b)

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Squad No.: 11



Reviewer: \_\_\_\_\_

Signature                      Print Title & Name                      Date